

A. Claims 1 and 9

In the March 29, 2005 Amendment, Applicant submitted that Outwater fails to disclose how mark 10 is printed onto the foil 50, such that it would teach or suggest the claimed recitation of, “wherein the label is formed by applying a surface layer on a base layer, and removing a portion of the surface layer by application of a laser beam.”

On page 3 of the current Office Action, the Examiner acknowledges that Outwater fails to disclose the above feature, but contends that the newly cited Kusumoto reference does. In particular, the Examiner cites to column 1, lines 33-47 of Kusumoto as disclosing the above feature. The cited portion discusses forming a bar code in an optical disk. A laser beam is applied to the optical disk to melt and remove a portion of the actual disk, i.e. the metallic thin film that forms the recording layer *inside* the optical disk (col. 1, lines 35-44). There is no disclosure of the use of a label applied to the outside of the disk, where the label would have a base layer and a surface layer. Thus, Kusumoto merely teaches writing or etching a bar code into a recording layer of an optical disk.

On page 3 of the Office Action, the Examiner maintains that printing a bar code label and etching a bar code are equivalent processes. Applicant respectfully traverses this statement, and submits that printing a bar code on a label and etching a bar code into a product would not be considered equivalent processes to one skilled in the art. In addition, since Kusumoto does not relate to a process of forming a *separate* label to be applied to the optical disk, Applicant submits that one skilled in the art would not be motivated to modify the printing of labels, as taught in

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Outwater, with the laser marking of the body of an optical disk as taught in Kusumoto. In other words, Applicant submits that one skilled in the art would not look to the process of recording on an optical disk in order to modify a label printing process.

In view of the above, Applicant submits that there is no motivation to modify Outwater, to arrive at the claimed invention, by using the teachings of Kusumoto.

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2-8 and 10-11

Since claims 2-8 and 10-11 depend from claims 1 and 9, respectively, Applicant submits that claims 2-8 and 10-11 are patentable over Outwater and Kusumoto at least based on their respective dependencies.

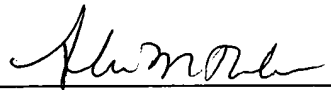
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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